

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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SEYED MOHSEN HOSSEINI-SEDEHY,

Plaintiff,

v.

ERIN T. WITHINGTON  
and CITY OF BOSTON,

Defendants.

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Civil Action No. 04-cv-11948-RGS

***SEYED MOHSEN HOSSEINI-SEDEHY'S REQUEST FOR JURY INSTRUCTIONS***

Now comes the Plaintiff Seyed Mohsen Hosseini-Sedehy (Mr. Hosseini) and respectfully requests the Court to instruct the Jury on the following issues:

1. “Probable cause analysis requires inquiry into the facts and circumstances within the arresting officer’s knowledge at the time of arrest to determine if a person of ‘reasonable caution and prudence’ would have believed that [Mr. Hosseini] committed a crime.” *Forest v. Pawtucket Police Department*, 377 F.3d 52, 56 (1<sup>st</sup> Cir. 2004);
2. “A Fourth Amendment violation may be established if [Mr. Hosseini] can show that [the] officer[] acted in reckless disregard, with a ‘high degree of awareness of the [witness] statements’ probable falsity.” *Forest*, 377 F.3d at 58 (1<sup>st</sup> Cir. 2004);
3. “[C]ompensatory damages may include not only out-of-pocket loss and other monetary harms, but also such injuries as ‘impairment of reputation, personal humiliation, and mental anguish and suffering.’” *Acevedo-Garcia v. Monroig*, 351 F.3d 547, 568 (1<sup>st</sup> Cir. 2003) (internal punctuation omitted); and,

4. If you find that the defendant violated Mr. Hosseini's constitutional right to be free from an unreasonable seizure, you may award punitive damages if you further find that Mr. Hosseini has proved that the defendant's conduct was motivated by evil motive or intent, or involved reckless or callous indifference to Mr. Hosseini's constitutional right. *Bisbal-Ramos v. City of Mayaguez*, 467 F.3d 16, 25 (1<sup>st</sup> Cir. 2006).

Respectfully submitted,  
Seyed Mohsen Hosseini-Sedehy  
By his attorneys,

/s/ Gerard A. Butler, Jr.

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Date: February 13, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 13, 2007.